



SPR1220J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ETHAN ALLEN GLOBAL, INC.

Plaintiff,

v.

PEOPLES AMERICANA, INC.,  
JJ PEOPLES, VAN DEWALD, and  
HERSCHEL D. PRUITT

Defendants.

Case No. 07 Civ 7389

JES

AUGUST 20, 2007

**ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

WITRO

Upon the Verified Complaint, the Affidavit of Jack DeKorne, the Affidavit of Erika L. Amarante, and the memorandum of law in support of plaintiff's motion for emergency ex parte temporary restraining order and preliminary injunction, it is

**ORDERED**, that the above named Defendants show cause before a motion term of this

before The Hon. John E Sprizzo

✓ Court, at Room 14C, United States Courthouse, 500 Pearl Street, in the City, County and State  
of New York, on 5<sup>th</sup> of September, 2007, at 11 o'clock in the fore noon thereof, or as soon

thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants during the pendency of this action from (a) conducting or advertising any auctions in the Ethan Allen name, or otherwise infringing or diluting the ETHAN ALLEN Mark or ETHAN ALLEN Family of Marks; (b) displaying the ETHAN ALLEN Marks, ETHAN ALLEN Family of Marks and Ethan Allen brand name at the 192 Lexington Avenue location; (c) making any statement or representation whatsoever with respect to products or services that falsely designates Plaintiff as the origin of the products or services or is otherwise false or misleading; (d) otherwise making unauthorized use of or

infringing upon the ETHAN ALLEN Marks, ETHAN ALLEN Family of Marks or other trademarks of Plaintiff; and (e) any other conduct that would cause or is likely to cause confusion, mistake, or misunderstanding as to the source, affiliation, connection, or association of Defendants' products or services with Plaintiff or Plaintiff's goods and services; and it is further

**ORDERED** that personal service of a copy of this order and annexed affidavit upon the defendant ~~or his counsel~~ <sup>THAT</sup> on or before ~~8pm~~ <sup>evening</sup> o'clock in the ~~noon~~ <sup>noon</sup>, Aug 21, 2007, shall be deemed good and sufficient service thereof.

DATED: New York, New York

✓ ISSUED: August 20, 2007  
12:45 PM M

  
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United States District Judge

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